

**The Wilderness Society * National Audubon Society * Southern Utah
Wilderness Alliance**

May 1, 2017

Via E-mail (BLM UT FM FFO O and G Comment@blm.gov)

Bureau of Land Management
Fillmore Field Office
Attn: Cheryl LaRoque
95 East 500 North
Fillmore, Utah 84631

Re: DOI-BLM-UT-W020-2017-0001-EA, September 2017 Oil and Gas Lease Sale

Dear Ms. La Roque:

Thank you for the opportunity to comment on the draft Environmental Assessment (EA) prepared for the September 2017 Utah Oil and Gas Lease Sale. The Wilderness Society and the National Audubon Society are writing to express our concern that the sale of parcels within the Sheeprocks priority sage-grouse habitat management area (PHMA) would conflict with provisions of the Greater Sage Grouse EIS ROD (BLM 2015), the Utah Greater Sage Grouse Approved Resource Management Plan Amendment (Utah ARMPA), Instruction Memorandum (IM) 2016-143 and the National Environmental Policy Act (NEPA). Specifically, BLM does not appear to have met its obligations under these authorities for parcels 001, 002, 003 and 007. As described below, to satisfy these obligations, BLM must prioritize leasing outside of PHMA based on analysis of parcel-specific factors, more fully consider the potential impacts of the leasing decision on greater sage-grouse, and take actions to restore and protect, rather than further endanger, the local Sheeprocks population.

1. The proposed action conflicts with the adaptive management goals and objectives set forth in the Utah ARMPA.

The parcels proposed for this sale fall within habitat of the most imperiled greater sage-grouse population in Utah. As BLM described in a February 2017 press release:

The [BLM] in coordination with state and federal partners have evaluated data related to the status of greater sage-grouse (GRSG) populations and habitat throughout Utah. The vast majority of GRSG populations throughout Utah remain at normal population and habitat levels based on criteria jointly developed by the agencies. However, one population located in Juab, Tooele, and Utah Counties, the Sheeprocks area, has experienced a nearly 40 percent decrease in population over the last four years, with an annual decrease in eight of the last ten years.¹

¹ BLM Utah State Office, "BLM implements measures to restore and maintain habitat for the Sheeprocks greater sage-grouse population in central Utah" (Feb. 6, 2017) available at <https://www.blm.gov/press-release/blm-implements-measures-restore-and-maintain-habitat-sheeprocks-greater-sage-grouse>.

Because of these dramatic population declines, the Sheeprocks population met the criteria for a “hard trigger” adaptation management scenario under the Utah ARMPA, which resulted in BLM converting the Sheeprocks’ habitat from GHMA to PHMA. As described in the Utah ARMPA, a hard trigger “represent[s] a threshold indicating that immediate action is necessary to stop severe deviation from GRSB conservation objectives set forth in the ARMPA.” UT ARMPA, p. 4-3. The ARMPA also provides that “[t]here should be no expectation of hitting a hard trigger; if unforeseen circumstances occur that trip either a population or habitat hard trigger, more restrictive management will be required.” *Id.*, Appendix I, p. I-7.

BLM’s February 2017 press release also applied and interpreted these adaptive management requirements in the context of the Sheeprocks population:

The serious decline in the Sheeprocks GRSB population indicates the need to adaptively manage the habitat in the population area to help prevent further declines, in accordance with the conservation measures identified in the BLM’s GRSB land use plan amendments, finalized in 2015. For example, the BLM will prioritize habitat restoration efforts in this area, make the area a focal point for fire suppression, and seek to minimize impacts from rights-of-way developments.²

BLM is already working with the state of Utah in an effort to rescue and restore the Sheeprocks population. The BLM February 2017 press release describes “a variety of proactive measures” that have been taken over the past 5 years, including “habitat restoration, translocation of birds, fires and fuels management, intensive monitoring efforts, and predator control.” BLM and the Utah Division of Wildlife Resources have been translocating roughly 40 sage-grouse each year to the Sheeprocks area in an effort to maintain normal habitat levels.³ BLM is also working to mitigate impacts on the Sheeprocks population from local recreational use by updating signage, improving travel planning and educating local recreation users.⁴ These actions represent the types of “immediate action[s]...necessary” to successfully restore the Sheeprocks population and reverse severe population declines under the Utah ARMPA.

In contrast, the proposed action in this lease sale EA – to lease parcels within the Sheeprocks PHMA - directly contradicts and undermines the hard trigger adaptive management goals expressed in the UT ARMPA. The EA would authorize new oil and gas development just when “immediate action is necessary to stop severe deviation from GRSB conservation objectives” and “more restrictive management will be required” to protect the population. At the same time as BLM is taking measures to try to save and restore the Sheeprocks population, it is proposing new development it admits would “further imperil” the population. EA, p. 38 (“Because this

² *Ibid.*

³ Tooele Transcript Bulletin, “More Greater Sage-grouse released near Sheeprocks” (April 12, 2016) *available at* <http://tooeleonline.com/more-greater-sage-grouse-released-near-sheeprocks/> (“State wildlife officials released 21 more Greater sage-grouse near Vernon last week to help stabilize the bird’s numbers in Tooele County’s outback. The release bring the total number of sage-grouse Division of Wildlife Resources officials have moved to the county to 40: 10 males and 30 females...Right now, the DWR plans to introduce 40 new sage-grouse to the Sheeprock population every year for two or three years.”).

⁴ Utah’s Adaptive Resources Management Greater Sage-grouse Local Working Groups 2016 Annual Report (March 2017) at p. 44.

population of sage-grouse is small and in a critical population decline, the resistance and resiliency of this population to recovery from incremental increased human pressure, noise and disturbance, sage-grouse populations within the area could be further imperiled.”). The proposed action would undermine the adaptive management goals in the UT ARMPA as well as the actions already underway to improve the health and well-being of the Sheeprocks population and its habitat.

In addition, the plan to lease four parcels in PHMA would not comply with the requirement to ensure a net conservation gain for sage-grouse when management actions are taken that could result in habitat loss or degradation. This is a required provision under the Record of Decision and Approved Resource Management Plan Amendments for the Rocky Mountain Region.⁵ The BLM must ensure that this mitigation requirement is met; and the EA and decision document should ensure this compliance.

2. The draft EA does not explain how the prioritization sequence and parcel-specific factors from IM 2016-143 led to the proposed action.

The EA acknowledges there are 4 parcels in PHMA. EA, p. 6. The “Conformance with BLM Land Use Plan” section of the EA provides that the “alternatives described below are in conformance with the governing land use plan (as amended and supplemented)” by the 2015 Greater Sage Grouse EIS ROD (BLM 2015). EA, pp. 6-7. The EA also incorporates applicable stipulations requiring application of a no surface occupancy (NSO) stipulation and requiring mitigation to achieve a net conservation gain. EA, pp. 46-51. However, the EA does not meaningfully address the requirements in the ROD and the Utah Approved RMP Amendment regarding prioritization of leasing and development outside sage-grouse habitat, or the related implementation guidance.

The Greater Sage Grouse EIS ROD referenced in the EA includes a “Prioritization Objective” which provides:

In addition to allocations that limit disturbance in PHMAs and GHMAs, the ARMPAs prioritize oil and gas leasing and development outside of identified PHMAs and GHMAs to further limit future surface disturbance and to encourage new development in areas that would not conflict with GRSG. This objective is intended to guide development to lower conflict areas and, as such, protect important habitat and reduce the time and cost associated with oil and gas leasing development. It would do this by avoiding sensitive areas, reducing the complexity of environmental review and analysis of potential impacts on sensitive species, and decreasing the need for compensatory mitigation.

ROD, p. 1-23. The Utah ARMPA echoes this directive, including the following objective:

⁵ Record of Decision and Approved Resource Management Plan Amendments for the Rocky Mountain Region at 1-18 (stating BLM will “Require and ensure mitigation that provides a net conservation gain to the species, when authorizing third-party actions that result in habitat loss and degradation”). https://eplanning.blm.gov/epl-front-office/projects/lup/36877/63223/68472/RM_ROD_9.21.15_508.pdf.

Priority will be given to leasing and development of fluid mineral resources, including geothermal, outside of PHMA and GHMA. When analyzing leasing and authorizing development of fluid mineral resources, including geothermal, in PHMA and GHMA, and subject to applicable stipulations for the conservation of GRSG, priority will be given to development in non-habitat areas first and then in the least suitable habitat for GRSG. The implementation of these priorities will be subject to valid existing rights and any applicable law or regulation, including, but not limited to, 30 USC 226(p) and 43 CFR, Part 3162.3-1(h).

Utah ARMPA, p. 2-25. Further, BLM has issued guidance elaborating on the way agency staff are to comply with the requirement to prioritize leasing and development outside sage-grouse habitat in Instruction Memorandum (IM) 2016-143 Implementation of Greater Sage-Grouse Resource Management Plan Revisions or Amendments – Oil & Gas Leasing and Development Sequential Prioritization⁶. IM 2016-143 provides the following, in making leasing decisions:

Lands within PHMAs: BLM state offices will consider EOIs for lands within PHMAs after lands outside of GHMAs and PHMAs have been considered, and EOIs for lands within GHMA have been considered. When considering the PHMA lands for leasing, the BLM State Offices will ensure that a decision to lease those lands would conform to the conservation objectives and provisions in the GRSG Plans (e.g., Stipulations) including special consideration of any identified SFAs.

Importantly, the IM also sets out “factors to consider” (i.e., parcel-specific factors) after applying this prioritization sequence:

- Parcels immediately adjacent or proximate to existing oil and gas leases and development operations or other land use development should be more appropriate for consideration before parcels that are not near existing operations. This is the most important factor to consider, as the objective is to minimize disturbance footprints and preserve the integrity of habitat for conservation.
- Parcels that are within existing Federal oil and gas units should be more appropriate for consideration than parcels not within existing Federal oil and gas units.
- Parcels in areas with higher potential for development (for example, considering the oil and gas potential maps developed by the BLM for the GRSG Plans) are more appropriate for consideration than parcels with lower potential for development. The Authorized Officer may conclude that an area has “higher potential” based on all pertinent information, and is not limited to the Reasonable Foreseeable Development (RFD) potential maps from Plans analysis.
- Parcels in areas of lower-value sage-grouse habitat or further away from important life-history habitat features (for example, distance from any active sage-grouse leks) are more appropriate for consideration than parcels in higher-value habitat or closer to important life-history habitat features (i.e. lek, nesting, winter range areas). At the time the leasing priority is determined, when leasing within GHMA or PHMA is considered, BLM should

⁶ Available at:

https://www.blm.gov/wo/st/en/info/regulations/Instruction_Memos_and_Bulletins/national_instruction/2016/IM_2016-143.html

consider, first, areas determined to be non-sage-grouse habitat and then consider areas of lower value habitat.

- Parcels within areas having completed field-development Environmental Impact Statements or Master Leasing Plans that allow for adequate site-specific mitigation and are in conformance with the objectives and provisions in the GRSG Plans may be more appropriate for consideration than parcels that have not been evaluated by the BLM in this manner.
- Parcels within areas where law or regulation indicates that offering the lands for leasing is in the government's interest (such as in instances where there is drainage of Federal minerals, 43 CFR § 3162.2-2, or trespass drilling on unleased lands) will generally be considered more appropriate for leasing, but lease terms will include all appropriate conservation objectives and provisions from the GRSG Plans.
- As appropriate, use the BLM's Surface Disturbance Analysis and Reclamation Tracking Tool (SDARTT) to check EOI parcels in PHMA, to ensure that existing surface disturbance does not exceed the disturbance and density caps and that development of valid existing rights (Solid Minerals, ROW) for approved-but-not-yet-constructed surface disturbing activities would not exceed the caps.

Returning to this sale, the draft EA does not explain how BLM determined that these PHMA parcels were appropriate for leasing based on the prioritization sequence, and it omits any reference to or discussion of the parcel-specific factors described in IM 2016-143. Notably, the EA does claim that BLM applied the prioritization sequence from IM 2016-143:

Parcels were prioritized by the Fillmore Field Office consistent with Instruction Memorandum 2016-143 Implementation of Greater Sage-Grouse Resource Management Plan Revisions or Amendments – Oil and Gas Leasing and Development Sequential Prioritization *provides the BLM guidance for prioritizing implementation decisions for oil and gas leasing and development to be consistent with the Approved Resource Management Plan Amendments* (BLM 2015). Of the 9 parcels, 4 of those are within PHMA. The Fillmore Field Office prioritized proposed lease parcels outside of sage-grouse PHMA and GHMA consistent with the IM and elected to consider leasing 4 parcels within PHMA based upon NEPA analysis completed in this EA and the application of lease notices and stipulations for PHMA to minimize conflicts with greater sage-grouse consistent with the amended Fillmore RMP.

EA, p. 5-6. The EA also claims that BLM changed its management decisions for these parcels, specifically with respect to the prioritization sequence, based on the hard trigger event:

There are four 2017 Oil and Gas Parcels (Parcels 001, 002, 003, and 007) being offered that occur within Priority Habitat Management Areas (PHMA). The Sheeprocks sage-grouse population is currently experience a substantial downward trend. Because of this trend, a *hard trigger* scenario has been met in accordance with the ARMPA and changes have been made 'to stop severe deviation from greater sage-grouse conservation objectives set forth in the BLM ARMPAs (BLM 2015).' Implementing the *hard trigger* scenario, portions of the GHMA has recently been changed to PHMA *with corresponding changes in management to reflect the higher prioritization* (e.g., no surface occupancy,

disturbance cap, *parcel prioritization*) and *habitat management emphasis has been amplified accordingly* (i.e., No surface occupancy, and *parcel prioritization*).

EA, p. 23 (*emphasis added*). Despite this language, though, the proposed action would carry forward all nine nominated parcels (i.e., EOIs) for leasing, including all four parcels within the Sheeprocks PHMA. *See* EA, p. 14 (“A total of (9) parcels were nominated and forwarded to the FFO IDPR for review.”). In other words, even though the EA purports to apply the prioritization sequence, and BLM claims to have changed its management decisions to reflect the hard trigger scenario, the proposed action carries forward every parcel nominated for sale. The prioritization sequence had no effect on the proposed action.

The draft EA also fails to mention, let alone explore, the parcel-specific factors that are supposed to guide the prioritization sequence (and which, if explored, might have helped explain why BLM carried forward all of the PHMA parcels in the proposed action). In fact, where the EA touches on individual parcel-specific factors as part of its broader environmental analysis, the factors appear to weigh against – not in favor of - a leasing decision.

As to the first parcel-specific factor, nearby existing development (“the most important factor to consider” under IM 2016-143), the EA points to a total absence of successful oil and gas development in the area of the parcels:

[T]he great majority of parcels leased in the region in the past have never undergone any drilling activity...only nine (9) Federal wells have been drilled on 54 acres in Juab County, which is the county where all of the proposed lease parcels are located, over the last 60 years, and all of these wells have been plugged and abandoned...The most recent APD...was approved in September 2013 for a well that is located on private surface and private mineral estate and was plugged and abandoned in 2014.

EA, pp. 9-10. Likewise, a review of data in the LR2000 system shows that there are no active coal, solar or wind energy development projects near the parcels.

The EA also describes low potential for successful future oil and gas development in Juab, Tooele and Utah Counties (the third parcel-specific factor listed in IM 2016-143):

The West Desert Districts and western part of the Color County District of the BLM lie within the Great Basin and the lower Colorado basin. Within the part of the state of Utah within these hydrographic basins there is one small discovery producing oil, the Wolverine field in Sevier County Utah. Outside the area adjacent to this discovery, the development potential within the entire region is low.

EA, p. 9. Further, according to the most recent Reasonably Foreseeable Development (RFD) analysis for the region of the parcels, BLM does not anticipate that a single producing well will be drilled on any of the leases being considered for this sale, in the Sheeprocks PHMA or otherwise. EA, p. 10 (“No producing wells anticipated”); *see also* HRRRA Oil and Gas Leasing Implementation EA (EA UT-050-89-025) at p. 81 (“The Fillmore Field Office is within an area of low potential for oil and gas...”).

Another important parcel-specific factor described in IM 2016-143 relates to the vicinity of the parcels to important sage-grouse life-history habitat features. Although the draft EA describes the Sheeprocks area as being “primarily dominated by juniper and sagebrush patches [that] are fragmented and lack connectivity,” it also acknowledges that “[t]here is sufficient sagebrush habitat currently within or near the parcels...for sage-grouse use.” EA, p. 24, 34. The EA also concedes that “[i]t is unknown at this time the level of sage-grouse use in this portion of the PHMA” where the parcels are located. EA, p. 23. Further, the EA shows that each of parcels are proximate to existing leks and that each parcel contains sage-grouse brood-rearing and winter habitat, all of which are important life-history features. In sum, the EA recognizes that the lands encompassed by the parcels have habitat of a quality capable of sustaining sage-grouse, and that may in fact be sustaining local populations of sage-grouse (though “it is unknown”), and that the parcels are near important life-history features.

The other, remaining parcel-specific factors also appear to weigh against a leasing decision. There are no active oil and gas units in the area of the proposed parcels (the second listed parcel-specific factor in IM 2016-143). The parcels are not subject to a field development EIS or Master Leasing Plan. BLM does not claim to be issuing the leases to protect against drainage. Together, the prioritization sequence and parcel-specific factors (especially when coupled with the adaptive management directives in the UT ARMPA) clearly weigh against a decision to lease within the Sheeprocks PHMA. Yet the EA does not address the parcel-specific factors or explain how the factors or the prioritization sequence and factors led to its proposed action.

To compare, in other recent lease sale EAs analyzing nominations in PHMA, BLM applied the prioritization sequence and discussed how the parcel-specific factors informed its decision. In the draft EA prepared for the August 2017 sale in the Wind River/Bighorn Basin District in Wyoming, for example, BLM applied the parcel-specific factors to justify a deferral:

After careful review of the parcels, the BLM has determined that it was appropriate to defer certain parcels nominated for inclusion in the August 2017 oil and gas lease sale...These deferrals were made consistent with the BLM’s sage-grouse conservation plans and strategy, which direct the BLM to prioritize oil and gas leasing and development in a manner that minimizes resource conflicts in order to protect important habitat and reduce development time and costs. Parcels deferred are generally located in sage-grouse important life-history habitat features such as active or occupied leks, and/or are not proximate to adjacent to existing development, and are in areas of low oil and gas development potential.

WY August 2017 Lease Sale EA, p. 1-2, 1-3. In that same sale, BLM also applied the parcel-specific factors to justify a decision to carry forward parcels for leasing:

Parcels WY-1708-153 and WY-1708-154 are proximate or adjacent to federal oil and gas leases with active development and production (within 2 miles of leases currently held by production), and have no known sage-grouse leks within the boundaries. The area is also proximate to bentonite mining claims, disturbance, and activity.

WY EA at p. 3-38. That is, in the EA for the August 2017 Wyoming sale, BLM proposed deferring parcels on lands with high-quality sage-grouse habitat, low potential for successful oil and gas development, and minimal nearby oil and gas development, and proposed carrying forward parcels on lands with lower-quality sage-grouse habitat that were near existing oil and gas development and disturbing activities. BLM described how the parcel-specific factors in IM 2016-143 led the agency to identify parcels appropriate and inappropriate for new leasing.

As another example, in the final EA for the June 2017 sale in Colorado, BLM devoted several pages to analyzing and explaining how the prioritization sequence and parcel-specific factors applied to its decision to lease 22 parcels that had only “minor overlap” with priority sage-grouse habitat. EA, pp. 103 – 106. In applying the prioritization sequence, BLM configured the proposed leases to avoid both GHMA and PHMA, leaving parcels with only “diminutive slivers of habitat on the periphery of mapped GHMA and PHMA.” EA, p. 103. BLM made a “conscious effort...to avoid inclusion of mapped sage-grouse habitats.” EA, p. 103. Further, even though the re-configured parcels had minimal overlap with sage-grouse habitat, BLM devoted several pages of analysis to the parcel-specific factors from IM 2016-143 by exploring the vicinity of the parcels to proximate oil and gas development, the quality of the sage-grouse habitat, and the oil and gas development potential in the area of the parcels. IM 2016-143 (“BLM State Offices will use the following prioritization sequence for considering leasing in *or near* GRS habitat, while also considering the ‘Factors to Consider While Evaluating EOIs in Each Category’ as described on the following page.”) (*emphasis added*). BLM prioritized leasing outside of PHMA and GHMA and applied the parcel-specific factors described in IM 2016-143.

Returning to this sale, BLM cannot simply claim to have applied IM 2016-143 and its prioritization sequence (in part to further hard trigger adaptive management goals) without any actual analysis or explanation as to why its proposed action would offer every nominated parcel for sale (i.e., why the prioritization sequence had no actual effect on the leasing decision). Especially where, as here, the factors appear to weigh against a leasing decision, BLM must offer some explanation as to how IM 2016-143 informed its proposed action and explore how the parcel-specific factors apply. The lack of any meaningful analysis of the prioritization sequence and the absence of any reference to the parcel-specific factors in the draft EA is inconsistent with the analysis and decision-making in other BLM lease sale EAs with parcels in sage-grouse habitat. In the final EA, BLM must apply the prioritization sequence and parcel-specific factors from IM 2016-143, and, consistent with other lease sale EAs, explain how the sequence and factors informed its proposed action.

When the required analysis is completed, we are confident the BLM would decide to defer the sale of the four lease parcels in PHMA. As discussed in detail above, when the prioritization sequence in IM 2016-143 is properly applied and when the seven prioritization factors are fully considered, there is no doubt the proper decision here is to defer the sale of the four lease parcels in PHMA. The revised EA and the decision for this lease sale should defer the sale of these four parcels.

3. The draft EA does not take a hard look at noise and sound impacts on greater sage-grouse.

Recent scientific studies and literature identify noise as a critical factor in the health and value of sage-grouse habitat. A study of local populations in Wyoming explains that sage-grouse “use elaborate acoustic and visual display behaviors to attract and select mates, and depend on vocal communication between females and chicks during brood rearing.”⁷ From a follow-up, May 2016 study on the effect of noise on sage-grouse health:

Several studies have suggested that anthropogenic noise is detrimental to Greater sage-grouse (Rogers 1964; Braun 1998; Holloran 2005). Recent studies confirm this impact experimentally by introducing recordings of industrial noise to otherwise undisturbed leks, finding immediate and sustained declines in lek attendance compared to paired control leks...The results suggest that effective management of the natural soundscape is critical to the conservation and protection of sage-grouse (Patricelli et al. 2013)).⁸

These studies point to the significance of sound and noise levels near leks - as well as nesting and brood rearing habitat - in assessing the quality of sage-grouse habitat. *See* FN 6, p. 28 (“Sound level information and potential for impacts at both lek areas and nesting/brood rearing habitat are equally important.”); *see* EA, p. 24, Table 5 (showing that each of the parcels within PHMA in this sale contains nesting and brood-rearing habitat).

The Utah ARMPA itself also recognizes noise as a key factor in sage-grouse habitat health. The FEIS for that plan acknowledges that noise from oil and gas development can - and in fact has - displaced local populations of greater sage-grouse in Utah. UT ARMPA, p. 3-28 (“Noise associated with active pumpjacks near active leks has displaced strutting males from preferred leks [within the Emma Park population]”). To help address these impacts, the ARMPA requires that, “[a]s additional research and information emerges, specific new limitations appropriate to the type of project being considered will be evaluated and appropriate measures will be implemented where necessary to minimize potential for noise impacts on PHMA GRSG population behavioral cycles.” UT ARMPA at p. 2-11. The plan also requires that BLM identify ambient noise levels for leks in PHMA to provide a reliable baseline for future analyses. *Id.*, p. 2-11 (“Support the establishments of ambient baseline noise levels for PHMA habitat area leks.”).

More broadly, NEPA requires that the EA take a “hard look” at direct, indirect and cumulative impacts of leasing the proposed parcels, which includes impacts on local wildlife populations like the greater sage-grouse. 40 CFR § 1502.16. The purpose of an EA is to determine whether the environmental impact of a proposed action is significant enough to warrant preparation of an EIS, and the EA must provide “sufficient evidence and analysis” to justify its decision. 40 CFR § 1508.9; *see Wilderness Soc. V. Forest Serv.*, 850 F. Supp. 2d 1144, 1155 (D. Idaho 2012). EAs must document that the BLM took a “hard look” at potential environmental impacts and evaluated and adopted mitigation measures to address impacts. These potential impacts include

⁷ Ambrose, S., C. Florian, MacDonald, J. 2014. Ambient Sound Levels in Sage Habitats in Wyoming, April 2014. p. 2.

⁸ Ambrose, S. G. Patricelli, H. Copeland. 2016. Review of protocols for sage-grouse in the BLM Approved Resource Management Plan Amendment for Sage-Grouse (9-Plan) and Wyoming Governor’s Executive Order 2015-4 and recommendations for revisions. p. 1.

impacts on greater sage-grouse, including noise impacts associated with oil and gas development.

Despite these directives, as well as the “hard look” requirements of NEPA, the draft EA fails to consider, let alone measure and estimate, the impact that noise from development on the proposed leases would have on the Sheeprocks sage-grouse population. To begin with, the EA acknowledges that BLM does not actually know the extent to which greater sage-grouse use and inhabit the lands encompassed by the proposed parcels, complicating any effort to estimate or address potential impacts. EA at p. 23 (“It is unknown at this time the level of sage-grouse use in this portion of the PHMA.”). The EA does not incorporate, reference or address ambient noise levels in Sheeprocks PHMA leks. It does not attempt to quantify how exploratory drilling and development activity on the leased parcels might affect ambient noise levels in the Sheeprocks habitat. Nor does it consider “additional research and information” on noise impacts or evaluate “new limitations” or implement “appropriate measures...to minimize potential for noise impacts on PHMA GRSG population behavioral cycles,” as required by the Utah ARMPA. Rather, the EA includes only general statements that noise impacts might affect local populations of sage-grouse (among a number of other potential impacts) and adopts generic, baseline protections for noise impacts. *See e.g.*, EA at p. 34 (“It can be anticipated that increased human activity, noise, disturbance, and habitat alteration can modify sage-grouse behavior, movements, and habitat quality/quantity; further potentially impacting successful breeding, nesting, brood-rearing and use of winter range.”), pp. 46-64.

Given the emerging importance of noise as a critical factor in the health of sage-grouse habitat, the “hard look” requirements of NEPA, as well as the express directives in the UT ARMPA (to take an adaptive management approach to noise), BLM must improve and expand its analysis of noise impacts in the final EA for this sale. To begin with, the EA should estimate the extent to which greater sage-grouse use and occupy the proposed parcels. It should also identify baseline noise levels within the Sheeprocks PHMA and explore recent research and literature on the effects of noise on sage-grouse populations. Then, using this data, the EA should explore how a leasing decision would affect baseline noise levels and consider whether additional stipulations and lease notices are necessary to protect and restore the Sheeprocks population, in accordance with the Utah ARMPA.

We appreciate your attention to these comments and look forward to seeing them addressed.

Sincerely,

Nada Culver, Director and Senior Counsel
BLM Action Center
The Wilderness Society
1660 Wynkoop Street, #850
Denver, CO 80202
303-225-4635
nada_culver@twc.org

Brian Rutledge, Vice President
The National Audubon Society
Director, Sagebrush Ecosystem Initiative
4510 CR 82E
Livermore CO 80536
brutledge@audubon.org

Steve Bloch, Legal Director
Southern Utah Wilderness Alliance
425 East 100 South
Salt Lake City, Utah 84111
801-428-3981
steve@suwa.org